

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23786 of 2020

Arising Out of PS. Case No.-123 Year-2020 Thana- FALKA District- Katihar

BHARAT PRASAD BHAGAT @ BHARAT BHAGAT S/O- Rajendra Bhagat
R/O - Gobindpur, P.S. - Falka, Distt. - Katihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Gautam, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 08-10-2020

As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

. This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner apprehends arrest in Falka PS Case No. 123 of 2020 registered under Sections 188, 269, 270, 271, 353, 504 and 506/34 of the IPC.

In the nationwide lock down the prosecution alleges that the petitioner was carrying on trade at his Kirana shop, where there was a congregation. On protest by the police, it is alleged that the petitioner fled away.

It is submitted by learned counsel for the petitioner that



the allegations are false. The petitioner did not call any person at the place and he was requesting the customers not to form a congregation and to maintain social distancing norms. However none was paying heed to petitioner's request. He was exposing himself to the risk of infection only to cater to requirements of the public by keeping the shop open at the designated time. He has no criminal antecedent.

Learned APP for the State has opposed the prayer for anticipatory bail.

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

Accordingly, let the petitioner above named, in the event of arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Katihar in Falka PS Case No. 123 of 2020 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

SNkumar/-

U		T	
---	--	---	--

